

their sexual orientation, and in 33 States, they can be fired based on their gender identity. This is not right. I might also point out, Vermont has one of the lowest unemployment rates of any State in the country.

Many employers have taken this issue into their own hands, making up for Congress's inaction by implementing important antidiscrimination policies. As of April of this year, 88 percent of the Fortune 500 companies had nondiscrimination policies that included sexual orientation, and 57 percent had policies including gender identity.

I wish to mention two Vermont companies in particular, Fletcher Allen Health Care and Green Mountain Coffee Roasters, for showing real leadership on this issue; they banned discrimination in the workplace based on gender identity and sexual orientation.

I also applaud companies such as IBM, Microsoft, General Electric, and Time Warner for doing the right thing. Two of these companies have a major presence in Vermont. These corporations know that treating all their employees equally is not only fair—it also makes good business sense. They know that. It is time that we in Congress know that too.

Workplace discrimination hurts families, and the hatred that drives discrimination has no place in a nation continually striving to form a more perfect union. So I thank Chairman HARKIN for making this bipartisan legislation a priority in his committee, and for conducting the groundwork in creating the record we need to ensure this important bill's passage. The bipartisan team of Senator MERKLEY and Senator COLLINS brought together Members by their thoughtfulness and tenacity.

A dear friend of mine used to sit in the back, and was in the Senate when I came here. I learned so much from him. I am speaking of Ted Kennedy. I have to think he is looking down on this Chamber tonight as we try to pass legislation he worked so hard to craft in his final years in the Senate. I was happy to work on this civil rights legislation with him then and with his partner on this effort, a former Vermont Senator, Jim Jeffords. We honor their leadership tonight with this vote.

I am encouraged States and employers are moving forward where we have not. But I believe ending discrimination must also be a priority for Congress. I look at the distinguished Presiding Officer, and I think of her predecessor—another dear friend of mine for nearly four decades—and the discrimination he faced when he came out of the service, having lost an arm, and having received the Medal of Honor for this country, and was still told in some places in America that he couldn't walk into their establishment. I am sure each of us can think of times of discrimination of all sorts.

Let's pass legislation that bans all discrimination in the workplace, what-

ever it is. Until we do that, we will fail to achieve the motto engraved in Vermont marble above the Supreme Court building that declares "Equal Justice Under Law." Let's make sure all Americans have the equal rights they deserve.

I urge my fellow Senators to come together and support this important bipartisan bill without delay, and the other body to have the courage to stand up for America—standing up for all Americans, every single American—and vote for this legislation.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Madam President, is there time remaining?

The PRESIDING OFFICER. All time has expired.

The question is, Will the Senate advise and consent to the nomination of Gregory Howard Woods, of New York, to be United States District Judge for the Southern District of New York.

The nomination was confirmed.

VOTE ON BROWN NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Debra M. Brown, of Mississippi, to be United States District Judge for the Northern District of Mississippi?

Mr. LEAHY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL), and the Senator from Massachusetts (Ms. WARREN) are necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Louisiana (Mr. VITTER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 90, nays 0, as follows:

[Rollcall Vote No. 228 Ex.]

YEAS—90

Alexander	Baucus	Booker
Ayotte	Begich	Boozman
Baldwin	Bennet	Boxer
Barrasso	Blumenthal	Brown

Cantwell	Heitkamp	Paul
Cardin	Heller	Portman
Carper	Hirono	Pryor
Casey	Hoeben	Reed
Coats	Inhofe	Reid
Cochran	Isakson	Risch
Collins	Johanns	Roberts
Coons	Johnson (SD)	Rockefeller
Corker	Johnson (WI)	Rubio
Cornyn	Kaine	Sanders
Crapo	King	Schatz
Cruz	Kirk	Schumer
Donnelly	Klobuchar	Scott
Durbin	Landrieu	Sessions
Enzi	Leahy	Shaheen
Feinstein	Lee	Shelby
Fischer	Levin	Stabenow
Flake	Manchin	Tester
Franken	Markey	Thune
Gillibrand	McConnell	Toomey
Graham	Menendez	Udall (CO)
Grassley	Merkley	Udall (NM)
Hagan	Mikulski	Warner
Harkin	Murphy	Whitehouse
Hatch	Murray	Wicker
Heinrich	Nelson	Wyden

NOT VOTING—10

Blunt	McCain	Vitter
Burr	McCaskill	Warren
Chambliss	Moran	
Coburn	Murkowski	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motions to reconsider are considered made and laid upon the table and the President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

EMPLOYMENT NON-DISCRIMINATION ACT OF 2013—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, there will be 2 minutes of debate equally divided in the usual form prior to a vote on the motion to invoke cloture on the motion to proceed to S. 815.

Who yields time?

The Senator from Iowa.

Mr. HARKIN. Madam President, the Senate is about to take another historic step. Think about it. In 1964 we had the Civil Rights Act. In 1990—23 years ago—I stood here when we passed the Americans with Disabilities Act, which extended civil rights to people with disabilities.

Today we are taking one more step to make the American family more inclusive and once and for all ban employment discrimination against gay, lesbian, bisexual, and transgender Americans.

This is a historic opportunity for the Senate once again to say that we are all members of the American family. No one should be discriminated against because of race, sex, religion, or national origin. They should not be discriminated against because of who they love, who they are or whether they are gay, lesbian, bisexual, or transgender.

This is a historic step for the Senate to take today.

I urge a yeas vote on the motion to proceed.

The PRESIDING OFFICER. Who yields time in opposition?

Mr. REID. Madam President, I yield back time on the motion to invoke cloture.

The PRESIDING OFFICER. Without objection, all time has been yielded back.

CLOTURE MOTION

The PRESIDING OFFICER. By unanimous consent, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 184, S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity.

Richard J. Durbin, Tom Harkin, Jeff Merkley, Benjamin L. Cardin, Michael F. Bennet, Barbara Mikulski, Charles E. Schumer, Martin Heinrich, Patrick J. Leahy, Robert Menendez, Barbara Boxer, Kirsten E. Gillibrand, Mazie Hirono, Tammy Baldwin, Amy Klobuchar, Jack Reed, Harry Reid.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 815, a bill to prohibit employment discrimination on the basis of sexual orientation or gender identity, and for other purposes, shall be brought to a close.

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. DONNELLY). Are there any other Senators in the Chamber desiring to vote?

Mr. DURBIN. I announce that the Senator from Missouri (Mrs. MCCASKILL) is necessarily absent.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Missouri (Mr. BLUNT), the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. CHAMBLISS), the Senator from Oklahoma (Mr. COBURN), the Senator from Arizona (Mr. MCCAIN), the Senator from Kansas (Mr. MORAN), the Senator from Louisiana (Mr. VITTER), and the Senator from Alaska (Ms. MURKOWSKI).

The yeas and nays resulted—yeas 61, nays 30, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—61

Ayotte	Collins	Hirono
Baldwin	Cooms	Johnson (SD)
Baucus	Donnelly	Kaine
Begich	Durbin	King
Bennet	Feinstein	Kirk
Blumenthal	Franken	Klobuchar
Booker	Gillibrand	Landrieu
Boxer	Hagan	Leahy
Brown	Harkin	Levin
Cantwell	Hatch	Manchin
Cardin	Heinrich	Markey
Carper	Heitkamp	Menendez
Casey	Heller	Merkley

Mikulski	Rockefeller	Udall (CO)
Murphy	Sanders	Udall (NM)
Murray	Schatz	Warner
Nelson	Schumer	Warren
Portman	Shaheen	Whitehouse
Pryor	Stabenow	Wyden
Reed	Tester	
Reid	Toomey	

NAYS—30

Alexander	Fischer	McConnell
Barrasso	Flake	Paul
Boozman	Graham	Risch
Coats	Grassley	Roberts
Cochran	Hoeven	Rubio
Corker	Inhofe	Scott
Cornyn	Isakson	Sessions
Crapo	Johanns	Shelby
Cruz	Johnson (WI)	Thune
Enzi	Lee	Wicker

NOT VOTING—9

Blunt	Coburn	Moran
Burr	McCain	Murkowski
Chambliss	McCaskill	Vitter

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 30. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

(Disturbance in the visitors gallery.)

The PRESIDING OFFICER. No expressions of approval are permitted in the gallery.

The Senator from Louisiana.

Ms. LANDRIEU. I thank my colleagues who led this effort on this non-discrimination bill, which is historic, and I am pleased we had a bipartisan vote to make America more accepting and a just place. It is a work-in-progress, and I am very pleased we could find the support on this floor to do that. Now the bill goes to the House, and I urge my colleagues in my congressional delegation and others to look at this bill with an open mind and an open heart and end discrimination in the workplace. I urge them to support this bill.

(The further remarks of Ms. LANDRIEU pertaining to the introduction of S. 1642 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Ms. LANDRIEU. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BENNET. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. BENNET. Mr. President, I ask unanimous consent the Senate proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMPLOYEE BENEFIT RESEARCH INSTITUTE

Mr. HARKIN. Mr. President, I rise to congratulate the Employee Benefit Research Institute on its 35th anniversary this year.

As chairman of the Committee on Health, Education, Labor, and Pensions, I know how important it is for policymakers to have access to quality data on our health and retirement systems. And for 35 years, EBRI has been providing just that kind of information. For instance, EBRI is a major source of information on how health plan coverage has evolved over the years and how employers have responded to market changes. EBRI is also a unique resource on both 401(k) and IRA ownership, and during the Enron crisis of several years ago, EBRI was one of the only sources of data on what was happening with company stock in 401(k) plans. Because of their expertise and reliability, we in Congress frequently ask EBRI's experts to testify at our hearings, since we know we can trust what they have to say.

Health and retirement coverage for American families is critically important to our Nation's future. We are fortunate to have such a respected and reliable source as EBRI to tell us what is happening with employee benefits, and I commend them on their anniversary.

ADDITIONAL STATEMENTS

TRIBUTE TO JO KENNEY

• Mr. ISAKSON. Mr. President. I would like to honor in the RECORD Ms. Jo Kenney of Atlanta, GA.

Jo has continually demonstrated leadership in both her profession of real estate and her local community. She serves on the DeKalb Association of REALTORS® board of directors and its executive, nominating and Pinnacle Award committees. She is also the former president of the Women's Council DeKalb chapter. Jo also serves on the board of directors for the Decatur Kiwanis Club, is a cofounder of the Atlanta Independent Women's Network and regularly serves as a mentor to other REALTORS®.

Jo has received numerous awards throughout her career for her efforts. Jo received the 2009 Businesswoman of the Year Award from the DeKalb chapter of the Women's Council of REALTORS®, the 2010 Member of the Year Award from the Georgia Chapter of the Women's Council of REALTORS®, the 2013 REALTOR® of the Year Award from the DeKalb Association of REALTORS®, the 2013 Five Star Professional Award and the Mary Nelson Spirit Award.

On November 9, 2013, Jo Kenney will be installed as the 2014 national president of the Women's Council of REALTORS®, which is an affiliate of the National Association of REALTORS® and the 12th largest women's professional organization in the United States. Jo will be the third person from my home State of Georgia to serve as president of this national organization. Through Jo's strong leadership, dedication and guidance, I know that she will be successful in her role as president of the